

MINUTES  
BOARD OF ADJUSTMENT  
December 2, 2010

THOSE IN ATTENDANCE:

Gary Soule, Chairman  
Rick Bliss  
Mel Disney  
Anne Martin  
Kevin Williams

Jason Jaggi, Senior Planner  
Brian Malone, Acting City Attorney

Chairman Soule called the meeting to order at 5:00 p.m. He welcomed everyone to the meeting, introduced himself and asked that the other members of the Board and staff introduce themselves.

Chairman Soule stated that the members of this Board are appointed by the Mayor and approved by the City's Board of Aldermen and serve without monetary compensation. He stated that the applicant must demonstrate practical hardship with regard to the property in order to justify the granting of a variance. He then advised that this is a duly advertised, duly noted meeting and that the proceedings are of record. He indicated that there is a full compliment of the Board this evening and that four members must vote in favor of the variance in order for it to be granted. He noted that there was one application to be heard this evening and verified that the applicant was in attendance.

MINUTES

The minutes of the meeting of October 14, 2010 were presented for approval. Rick Bliss noted the following corrections that were needed: Page 1: second paragraph, change "He noted that there *were two applications...*" to "He noted that there *was one application...*" Also, Page 3, change "Sanger" to "Soule" and Page 6, third paragraph should read "Mel Disney commented that if the columns were moved back towards the house 2 feet, resulting in a *3 ½ foot passageway, that width would still be greater than the 3 foot required by Code.*" The minutes were then approved, as amended, after having been previously distributed to each member.

AN APPEAL FROM WALLY & ELIZABETH COUNCIL FOR THE PROPERTY AT 10 RIDGEMOOR DRIVE

Wally Council, owner, was in attendance at the meeting. Also in attendance was Susan Bower, project architect with Mitchell Wall & Associates Architects.

Everyone wishing to speak this evening regarding the appeal was sworn in by the recording secretary.

Chairman Soule asked Jason Jaggi to provide an overview of the appeal.

Jason Jaggi began a PowerPoint presentation. A slide depicting the subject property address and explaining that the applicant is requesting a variance to allow the construction of a 2<sup>nd</sup> story above the former 1 story attached garage, which is already not in compliance with the zoning regulations, was presented. A slide depicting the zoning map of the area was presented. Jason indicated that the existing 1 story portion of the house to which this second story is to be constructed violates the setback regulations by about one foot. A slide depicting site photographs was presented.

Chairman Soule asked about the encroachment and asked that it be pointed out on the site plan.

Jason Jaggi referred to the encroachment detail on the drawing, explaining that the existing encroachment starts at less than half a foot and goes up to a maximum encroachment of just under one foot. (Note the side yard setback for this property is 9.61 feet).

Chairman Soule asked if the requested encroachment (for the addition) is any more than the existing encroachment (existing structure).

Jason Jaggi replied “no”. He explained that the Code requires any new construction to meet current setback requirements, even if constructed in line with existing structures that do not meet current requirements.

Chairman Soule asked if the City had any exhibits to present.

Acting City Attorney Malone noted that the City had the following exhibits to offer into evidence:

1. City’s Code of Ordinances and Master Plan;
2. Zoning Review Application;
3. Zoning Review denial letter;
4. Application for variance along with all supporting documentation;
5. Support letters from neighbors of 8 & 12 Ridgemoor;
6. Drawings submitted by applicant; and
7. Staff report.

Chairman Soule asked if there were any objections to these exhibits.

None were received.

Chairman Soule noted that since there are no objections, these exhibits will be entered into the record.

Mr. Council began a PowerPoint presentation. He informed the members that he served as Subdivision Trustee for some time and that he and his wife have lived in this home for 10 years and have 2 children, ages 2 and 6. He stated the possibility of his father-in-law moving in with them at some point and that they need four bedrooms and four bathrooms and want to go from their 2,800 square foot home to a 4,800 square foot home. Elevation drawings were presented. Mr. Council indicated that there is a 4" encroachment at the front which increases to an 11.10" encroachment at the northeast corner. He stated that there are no overhangs to further encroach. He stated that his neighbor will have a better view with this addition as they will no longer view their trash cans and that there is 55 feet between his house and his neighbor's house, which is quite a distance away. He presented a slide outlining the alternatives that were considered, stating that if they met the setbacks, they would not have the square footage that they need. He stated that they looked at larger homes, but he and his wife desire to stay in this home. He stated that the addition also decreases the amount of impervious coverage.

A slide depicting views from the street was shown as well as a summary of the proposed variance request. Mr. Council noted that since they have a larger lot, they also have a greater setback requirement.

Chairman Soule complimented Mr. Council on a well-done presentation and asked if any Board members had any questions.

Anne Martin asked if the footprint is unchanged by this proposal.

Mr. Council replied "yes"; with the exception of the addition of a chimney.

Anne Martin asked where the new garage will be located since the existing garage is being converted into a family room.

Mr. Council indicated that the new garage will be underneath.

Anne Martin asked if the other houses on Ridgemoor are 4,800 square feet.

Jason Jaggi informed the members that while staff did not specifically analyze that information, he believes the size would be similar to others in Claverach Park.

Mr. Council stated that he could provide square footages of some other homes in his neighborhood. He stated that the house two doors down is 4,700 square feet; one house across the street is 5,000 square feet and another house across the street is 3,800 square feet; the house to the south is 3,500 square feet and the house to the north is 2,800 square feet.

Anne Martin asked if he had Subdivision Trustee support of his proposal.

Jason Jaggi replied "yes", stating that a letter of support was submitted by the applicant.

Mr. Council reminded the members that they have an almost 10' side yard setback and it is their approach to simply place an addition over the top of the existing portion of the house, so they are just asking to continue what is already there.

Chairman Soule referred to staff's report, stating that the house was built in the 1930s, before setbacks were established.

Jason Jaggi concurred.

Chairman Soule asked if staff believes that granting the variance would have a minimal impact on adjacent properties.

Jason Jaggi replied "yes".

Chairman Soule commented that decreasing impervious coverage is a positive thing; something the City seeks to accomplish.

Jason Jaggi agreed.

Chairman Soule asked if the variance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area, and would not in any other respect impair the public health, safety, comfort, morals and welfare of the City.

Jason Jaggi concurred.

Being no further questions or comments, Chairman Soule made a motion to grant a variance from Section 405.1900.3 to approve a one (1) foot variance from the 9.61' side yard setback to allow the construction of a second floor above the existing attached garage. The motion was seconded by Rick Bliss and unanimously approved by the Board.

The variance was granted.

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Being no further business for the Board of Adjustment, this meeting adjourned at 5:35 p.m.

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Recording Secretary